



San Marino

Country Reports on Human Rights Practices - [2001](#)

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San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council--GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). Captains Regent preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State) also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.

Elected officials effectively control the centralized police organization (the Civil Police), which is responsible for internal security and civil defense; the Gendarmerie, a military group that is responsible for internal security and public order; and the Guardie di Rocca, a military group that is responsible for external defense and occasionally assists the Gendarmerie in criminal investigations.

The country has a total population of approximately 25,000. The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The Government generally respects citizen's rights in practice; however, although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally meet international standards. Male prisoners are housed separately from female prisoners, as are juveniles from adults and pretrial detainees from convicted prisoners. The Government permits visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four of whom are replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respects these prohibitions in practice. Violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention or its 1967 protocol. Asylum or refugee status is granted by an act of the Congress of State; however, the Government does not formally offer asylum to refugees. The Government has permitted a few individuals to reside and work in the country, and the Government cooperates with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government and politics does not correspond to their percentage of the population, although they face no legal impediments to political participation. In the past, women have served on the Council, including as Secretary of State for Internal Affairs and as Captain Regent; however, no women served in such positions during the year. Women hold positions in the mainstream party organizations.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to investigations of alleged abuses by international NGO's, but there have been no known requests.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities generally respect these provisions. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal as well as societal discrimination against women remained.

Women

The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

In 2000 Parliament passed a new citizenship law; under the previous citizenship law, a woman who married a foreigner could not transmit citizenship to her husband or children, but a man who married a foreigner could do so to both his wife and their children. The new law provides that both men and women can transmit citizenship either through birth or naturalization. In theory the 2000 law allows 12 months for all children of San Marino citizens to attain permanent citizenship after reaching legal majority; however, the language of the law phrases this right slightly differently for the children of male citizens and the children of female citizens. The children of male citizens only need to state their intent to retain citizenship whereas the children of female citizens must state their "desire" to retain citizenship; it is not clear if this will affect the transmission of citizenship in practice.

According to Foreign Ministry sources, several hundred children of citizen women who are married to noncitizen men and reside in the country opted to become citizens during the year. Reportedly most children of citizens residing abroad did not take this opportunity during the year.

Children

The Government is committed to children's rights and welfare; it amply funds systems of public education and medical care. Education is free until grade 13 (usually age 18), and compulsory until age 16. Most students continue in school until age 18. No differences are apparent in the treatment of girls and boys in education or health care, nor is there any societal pattern of abuse directed against children.

Persons with Disabilities

There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1992 law established guidelines for easier access to public buildings, but it never has been implemented fully.

Section 6 Worker Rights

a. The Right of Association

By law all workers (except the armed forces but including the police) are free to form and join unions, and workers exercise this right in practice. The law sets the conditions for the establishment of labor unions. Union members constitute approximately half of the country's work force (which numbers approximately 10,300 citizens plus 4,000 resident Italians). Trade unions formally are independent of the Government and the political parties; however, trade unions have close informal ties with the political parties, which exercise strong influence over them.

Workers in all nonmilitary occupations have the right to strike. No general strikes have occurred in at least 11 years; however, during the year, some brief sector-wide and company strikes took place.

Unions may freely form or join federations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers, and the workers exercise these rights. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. Complaints generally are resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and there were no reports that such practices occurred.

The law prohibits forced and bonded labor by children, and such practices were not known to occur (see Section 6.c.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. The law does not limit children aged 16 to 18 from any type of legal work activity.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The legal minimum wage during the year was approximately \$1,120 (2.35 million lira) per month, which affords a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37 1/2 hours in industry and private business, with 24 consecutive hours of rest mandated per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry, where not all workers, especially foreign workers hired for a specific contract, consistently abide by safety regulations such as work hour limitations. The Government has monitored closely the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently than citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status; and the second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice these provisions limit the application of unemployment benefits to foreigners because such benefits are granted for a period of 12 months.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from or within the country.